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February 24, 2020

By CM/ECF

Judge Michael H. Watson
United States District Court
Southern District of Ohio – Eastern Division
Joseph P. Kinneary U.S. Courthouse, Room 109
85 Marconi Boulevard
Columbus, OH 43215

Re: Steve Snyder-Hill, et al. v. The Ohio State University, No. 18 Civ. 736
Khalil, et al. v. The Ohio State University, No. 19 Civ. 4902
Garrett, et al. v. The Ohio State University, No. 18 Civ. 692
Chrystal et al v. The Ohio State University, No. 19 Civ. 5272

Your Honor:

On behalf of the *Snyder-Hill, Khalil, Garrett* and *Chrystal* Plaintiffs, we write to inform the Court that, in our collective view, mediation has run its course. We ask Your Honor to allow the litigation to resume. OSU has not participated in the mediation process in good faith. Our clients have waited too long for justice. To represent our clients effectively, we must move forward with litigation at this point.

As Your Honor is aware, in July 2018, we filed the *Snyder-Hill* and *Garrett* lawsuits. By January 8, 2019, OSU's motions to dismiss were fully briefed. In a court conference on January 17, 2019, Your Honor stated: "I know the board chairman, Mike Gasser. He's a man of his word. He's told the victims that appeared before the board that, rest assured, the board is not dismissing you. We're committed to doing the right thing. And the Court intends to see that the right thing is done here." Dkt. 43. Mike Gasser, however, resigned last May.

In the 13 months since the Court referred the parties to mediation, and notwithstanding Plaintiffs' best efforts, OSU has refused to engage in productive settlements talks. Without revealing any of the details of the settlement process, we are highly disappointed in OSU's failure to meaningfully engage in the mediation.¹

¹ To the extent the Court believes it appropriate to learn more about the mediation process, last week we sent an *ex parte* letter to Judge Barrett explaining how OSU's conduct has not been in good faith.

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It is clear to Plaintiffs that OSU will not take Plaintiffs' claims seriously until OSU's statute of limitations defense is defeated in a motion to dismiss. Our clients deserve an opportunity to be heard. They have been psychologically traumatized not only by Strauss's abuse, but by OSU's ongoing indifference and betrayal.

Accordingly, we ask that the Court (i) set a schedule to permit Plaintiffs in the *Snyder-Hill* and *Garrett* cases leave to amend under Fed. R. Civ. P 15(a)(2), with OSU to respond after that amendment deadline, and (ii) set a date certain for OSU to respond to the complaints in the *Khalil* and *Chrystal* cases.

Respectfully submitted,

/s/

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